

DPS-344

August 18, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-2366**

UNITED STATES OF AMERICA

v.

JOHN T WATSON

John William Watson,
Appellant

(M.D. Pa. Crim. No. 00-cr-00119-03)
(criminal treated as civil)

Present: ROTH, BARRY and SMITH, Circuit Judges

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1), with attachments in the above-captioned case.

Respectfully,

Clerk

MMW/SR/par

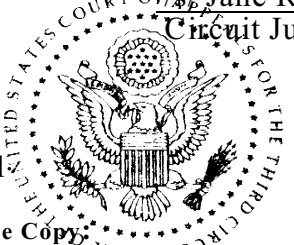
ORDER

For substantially the reasons given by the District Court in denying the appellant's section 2255 motion, we conclude that the appellant has not made a substantial showing of the denial of a constitutional right with regard to his claims that trial and sentencing counsel were ineffective. 28 U.S.C. § 2253(c)(2). Nor do his remaining claims warrant a certificate of appealability: they were either presented on direct appeal, should have been presented on direct appeal, or do not allege the denial of a constitutional right. See United States v. Essig, 10 F.3d 968 (3d Cir. 1993); United States v. Cepero, 224 F.3d 256 (3d Cir.2000).

By the Court,

Dated: December 9, 2005
SLC/cc: Mr. John Watson
William A. Behe, Esq.

/s/ Jane R. Roth
Circuit Judge



A True Copy

Marcia M. Waldron
Marcia M. Waldron, Clerk